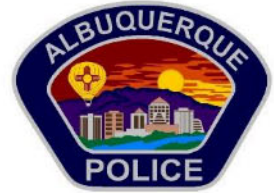




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

August 30, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA
From: Jimmy Collins, Major, Office of the Superintendent
Subject: Non-Concurrence of Finding re: CPC-83-2024

This memorandum serves to convey the articulation for APD's points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
1-1-5-C-3	Sustained	Exonerated

Rationale for non-concurrence of action for 1-1-5-C-3:

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the finding of sustained for this violation. Both commanders provided a detailed explanation as to why they did not agree with the CPOA in this matter and returned a finding of exonerated.

I reviewed the evidence presented in this investigation and I have concluded the conclusion reached by Commanders Waite and Landavazo was correct and reasonable.

Officer G conducted a lawful traffic stop.

Officer G observed the passenger in the back seat laying down and not wearing a seatbelt which was in violation of law. According to training, Officer G had the right to address this passenger violation.

Officer G did recognize the subject from previous encounters and although the subject failed to provide Officer G with proper identification, Officer G located his information in police databases and issued a summons.

CPOA considered Officer Gs' history of issuing or not issuing seatbelt violations in his past traffic stops. In my opinion and the opinions of Commanders Waite and Landavazo, this was irrelevant to this case as officers do retain some discretion on what citations to issue.

There was no evidence I identified that would satisfy the claim Officer G only took enforcement action based on his prior knowledge of the subject. As police officers, we know it is not out of the realm of possibility to contact subjects that we have contacted, cited, or arrested in the past.

Conclusion:

I also do not concur with the finding of the CPOA and recommend Officer G be exonerated and no action be taken against him.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', written in a cursive style.

Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform

